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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,494	09/29/2004	Kazutoshi Kato	Q83849	5352

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

COLLINS, DARRYL J

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/509,494	Applicant(s) KATO, KAZUTOSHI	
	Examiner Darryl J. Collins	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☒ Claim(s) 10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

The indicated allowability of claims 2, 3, 4/2 and 4/3 is withdrawn in view of the newly discovered reference(s) to Yamaguchi (U.S. Patent Publication 2002/0101565). Rejections based on the newly cited reference(s) follow.

Election/Restrictions

Newly submitted claim 10 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 10 is drawn to a method of manufacturing a lens via a molding process properly classified in Class 264/1.1+.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 10 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi (U.S. Patent Publication 2002/0101565). Yamaguchi teaches a progressive power lens having two refracting sides comprising an object side refracting surface (Figure 4, element 21) and an eyeball side refracting surface (Figure 4, element 22) and having a distance range (Figure 4, element 23), a near range (figure 4, element 24) and an intermediate range disposed there between (figure 4, element 25) characterized in that; the eyeball side refracting surface is located closer to the eyeball side than a reference spherical surface as (Figure 4) as claimed in independent claim 1, the curvature along an intersection line defined by the eyeball refracting surface and a surface being vertical to the eyeball refracting surface and passing both the distance and near reference points shows an increase in the portion covering the distance or near reference points (Figure 4) as claimed in independent claim 2, and an absolute value of a vertical component of a normal vector of the eyeball refracting surface is larger than an absolute value of a vertical component of a normal vector of a reference spherical surface at a near reference point (Figure 4) as claimed in independent claim 3. Again Yamaguchi teaches a lens comprising a eye side refracting surface and an object side refracting surface further comprising a distance viewing portion (Figure 4, element 21), a near viewing portion (Figure 4, element 24) and an intermediate viewing portion (Figure 4, element 25) wherein the eye side refracting surface corresponding to the near portion lies inside a substantially spherical reference surface and the eye side refracting surface corresponding to the distance portion is substantially aligned with the reference spherical portion (Figure 4) as claimed in independent claim 7. Yamaguchi further teaches the eyeball refracting surface and object side refracting surfaces as being spherical (page 2, paragraph [0025]) as claimed in dependent claims 5 and 6, a progressive power lens wherein

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the curvature of the distance and near viewing portions are substantially the same a spherical wherein the curvature of intermediate viewing portion is greater (i.e., smaller radius of curvature) than the reference spherical surface (page 2, paragraph [0025]) as claimed in dependent claim 8 and a smooth transition from the distance portion to the near viewing portion (Figure 4, element 35 (progressive zone)) as claimed in dependent claim 9.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The reasons as set forth in the Office Action mailed October 18, 2005.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darryl J. Collins whose telephone number is 571-272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darryl J. Collins
08 March 2006



Scott J. Sugarman
Primary Examiner